

REMARKS

Objections to the Drawings

The Examiner has objected to the drawings under 37 CFR 1.83(a) and has asked that applicants provide a figure showing the tracking of the users activity and generating an activity report. Applicants are puzzled by this rejection.. The actual acts of “tracking” and “generating” are performed in software using program code and they do not lend themselves to illustration. Applicants have provided a figure (FIG. 5) which clearly illustrates the type of information which might be “tracked” and a sample activity report which would be “generated” by the invention. Applicants ask the Examiner to withdraw his rejection or provide some indication as to how he would suggest Applicants illustrate an automated process performed by software during use of the invention.

Rejections Under 35 USC §103(a)

Claims 1 through 20 have been summarily rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,006,265, issued to Rangan et al. (hereinafter referred to as *Rangan*). In light of the above referenced amendments to the claims and the arguments presented herein, Applicants respectfully traverse this rejection.

35 USC 103(a) states in particular that “[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious *at the time the invention was made*”.

Therefore, the Examiner cannot use hindsight to argue for modifying the reference to include the limitations currently being claimed. Additionally, the reference itself must contain some hint or suggestion that it could be modified as such. Finally, modifying the reference to include the elements of the claimed invention is inappropriate if the reference teaches away from the claims at issue and such modification would render most of the teachings of reference mute and inoperable. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant . . . [or] if it suggests that the line of development flowing from the disclosure is unlikely to be productive of the result sought by the applicant." *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994); *see also In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (finding no suggestion to modify a prior art device where the modification would render the device inoperable for its intended purpose).

Rangan is directed toward "systems and methods for delivering lowly commercials in the hypervideo environment". Col. 2, ln.10-14. While the systems and methods disclosed in *Rangan* may be similar in nature to the claimed invention, there are several very distinct differences between the claims at issue and systems and methods disclosed in *Rangan*.

Claims 1, 16 and 19 are all independent claims and each contains similar limitations which are distinguishable over that which is disclosed in *Rangan*. For example, as amended Claim 1 contains the following limitations:

“providing a segment of video content having a number of products featured in the video content which the user may purchase”

“simultaneously providing an image which corresponds with the segment of video content, said image being a select frame from said segment of video and containing a number of user selectable areas, each user selectable area showing one of the products contained in the corresponding segment of video content, each user selectable area being anchored to a hyperlink, each hyperlink linking to an e-commerce website where specific information about the product resides and from which the product may be purchased”

“using the hyperlink anchored to the user’s selected area to directly access the e-commerce website and retrieve the specific information about the product contained in the corresponding segment of video content; and”

“simultaneously providing the specific information about the product to the user in a third portion of said display.”(emphasis added)

Applicant has highlighted some of the distinct differences between the invention and the systems and methods disclosed in *Rangan* and will herein address each of these differences. First, *Rangan* discloses that hyperlinks are anchored to or otherwise contained directly in the

streaming video or hypervideo. Therefore, the “hot spots” which are enabled for user selection are in the video itself. Oppositely, the present invention discloses that as segments of streaming video play, distinct and separate images are simultaneously displayed and updated, these images are select frames from the corresponding video segment and they each contain user selectable areas or “hot spots” which are anchored to hyperlinks. This difference is extremely important because as video plays it is constantly changing frames and the location of the “hot spots” and the actual hyperlinks themselves change with the video. If a user wants to click-over a certain “hot spot” or embedded hyperlink in the video he must act very quickly or he may miss his opportunity. Even more important, if there are two different hot spot areas in the video which a user wishes to select, he will have to act very fast to click from one to the other while the video continues to play or he must pause the video.

Unlike the teachings of *Rangan*, in the current invention, as the segment of video plays a still image is simultaneously provided which corresponds with the video segment and which contains the user selectable areas or “hot spots” which correspond with products featured in the segment of video and which are anchored with hyperlinks. The user can then select which products he is interested in while continuing to view the video without having to pause the video in order to click on more than one product which may be contained in any particular scene or frame of the video. There is no suggestion in *Rangan* to modify the reference to include supplying corresponding images and putting the hot spots in the image. Moreover, modifying the *Rangan* reference to take the hot spots out of the video would render the entire reference moot and inoperable.

Second, the hyperlinks in the present invention are very different from the hyperlinks in *Rangan*. In the present invention, each hyperlink is tied *directly to specific information about one of the products featured in the segment of video*. Each link is an invariant and inflexible link which links to the same product information at a specific e-commerce website at all times, no matter whomsoever may exercise the link. This is not the case in *Rangan*. Instead, *Rangan* goes to great lengths to explain that the hyperlinks used are dynamic links. As stated in *Rangan*:

“a hyperlink . . . is not an invariant, inflexible, and unchanging link to, at all times and by whomsoever exercised, a link to the same network location, nor to the selfsame identical network resource, but that, instead, the same hypervideo hyperlink, as and when exercised by each separate subscriber/user/viewer (“SUV”) is *differently interpreted by a special server dependent upon* (i) which SUV, exactly, is believed to have exercised the hyperlink, (ii) the economic and/or account and/or credit status of the exercising SUV, (iii) the previously expressed preferences of the SUV, (iv) the time of day, week, month or year, (v) the proximate exercise of the same or of related hyperlinks by other SUVs, and (vi) still other factors. After the exercised hyperlink is so interpreted by the special server . . . then the SUV exercising the hyperlink is caused . . . to branch to a network location , or to access a network resource . . . in consideration of all the factors of the exercise.”

More specifically:

“Instead of leading directly to the ultimate network site, or network resource, that will (ultimately) be accessed by the client SUV if he/she ‘clicks through’ on this hyperlink, the hyperlink instead points to a particular portal of the special server.”

Therefore, unlike the current invention, the hyperlinks in *Rangan* do not link directly to an e-commerce website and do not directly provide specific invariable product information from an e-commerce website to the user. Instead, when a hyperlink is exercised or selected in *Rangan*, a middle step takes place and the link must be resolved or interpreted by a separate server which then uses a myriad of information in order to branch to a new location and access a network resource which is then provided to the end user. The location to which the separate server

branches is not the same for every user and is not an “e-commerce” website. There is no suggestion in *Rangan* to remove this step of using a separate server to resolve each hyperlink for each individual and modifying the reference as such would render the entire reference moot and inoperable.

Third, the present invention specifically states that when a product is selected in the corresponding image, the hyperlink to which is anchored is used to immediately and directly access information about the product and simultaneously (as he continues to watch the video segment) provide this information to the end user. *Rangan* does not do this. As *Rangan* specifically, states, “the special server does not, within a reasonable window of some days or weeks, care exactly when this transpires, and exactly when the hyperlink must be, and finally is, resolved.” *Rangan*, col. 20, ln.34-42. This is because the links in *Rangan* are not tied to specific sites but are resolved by this special server in light of user specific statistics and user specific information so each user would be provided with different information and the hyperlink is resolved differently for each user.

Finally, the claims as amended make clear that the video segments, the corresponding images, and the specific product information which is obtained from the hypertext links anchored to the user selectable areas in each image are all obtained and simultaneously displayed in first, second and third portions of the display. *Rangan* teaches that the display jumps from one video segment to video segment as hyperlinks in the video are resolved. There is no simultaneous display of all information in a single display.

As a further matter, the Examiner states that “[o]fficial notice is taken that the tracking of the users activity and generating an acitivity[sic] report is a well known device used within the on-line shopping art”; but, he fails to provide a single reference which supports his contention. Applicants request that the Examiner provide a reference which supports this contention.

For all of the reasons stated above, the inventions claimed in Claims 1, 16 and 19 are all clearly distinguishable over the teachings of *Rangan*. There is no basis for modifying *Rangan* to include the limitations set forth above, and modifying the reference as such would render the entire reference moot and inoperable.

Claims 1 through 20 have also been summarily rejected under 35 USC 103(a) as being unpatentable over the printed publication entitled “Right Angles – When Hot Horizontal Technologies such as the Internet and Nt Meet Cool Vertical Markets, Opportunities Abound,” written by Jan Stafford (hereinafter referred to as *Stafford*).

Stafford contains a single paragraph which describes the general state of the art about e-commerce and Internet shopping. As stated therein:

“Database tools help retailers capture information about customer’s buying habits. When products similar to ones customers have purchased go on sale, retailers can send customers e-mail containing descriptions, photos, or even video clips of products and hypertext links to a web site where customers can make purchases.” (emphasis added).

Applicants submit there is nothing novel about sending an e-mail to a customer, where that e-mail may contain descriptions, photos or even videos clips of products. Moreover, there is

nothing novel about sending an e-mail which contains a hypertext link to a web site where customers can make purchases. These are and were both well known in the art at the time of filing of the patent application. However, as discussed above this is clearly not the same as the present invention.

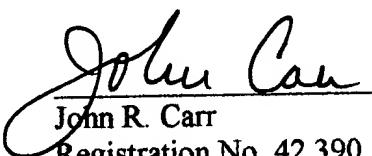
In his rejection, the Examiner then goes a step further and summarily states that “providing an image which corresponds with a segment of video content for the on-line shopping of products for e-commerce transactions for Stafford would have been obvious to one of ordinary skill in art.” Interestingly, the Examiner has overlooked the specific details of the invention, as outlined in the discussion above, and has further failed to provide a single reference which hints teaches or suggests these limitations. Additionally, he has also failed to point to single item in *Stafford* which teaches modifying it as he has suggested. Instead, Stafford specifically states that “simple interfaces with familiar GUIs and point-and-click functions *are needed* to make highly sophisticated software easy to use.” (emphasis added). This would tend to directly refute the Examiner’s statements and would indicate that at the time of Staffords publication there was actually a need for an interface with point and click technology for making internet shopping very easy to use and that the limitations set forth in the claims at issue were not known or available.

Conclusion

Based upon the foregoing remarks, the Applicant respectfully submit that all of the claims in the instant application are in condition for allowance, and prompt reconsideration and allowance of all claims is hereby solicited.

Respectfully submitted,
Jeff Haber

Dated: June 2, 2003


John R. Carr
Registration No. 42,390
Attorney for Applicant